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Counsel for Plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10 BRIAN APEL, INDIVIDUALLY
11 AND ON BEHALF OF ALL OTHERS
12 SIMILARLY SITUATED,
13 Plaintiff,
14 vs.
15 PERFORMANCE SPORTS GROUP
16 LTD., KEVIN DAVIS, MARK
17 VENDETTI, AND AMIR
18 ROSENTHAL,
19 Defendants.))
) No. 2:16-cv-01881-SVW-AFM
)
) **NOTICE OF VOLUNTARY**
) **DISMISSAL PURSUANT TO**
) **FED. R. CIV. P. 41(a)(1)(A)(i)**
)
) CLASS ACTION
)
) JUDGE: Hon. Stephen V. Wilson

PLEASE TAKE NOTICE that Plaintiff Brian Apel files this notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Defendants have not filed an Answer or moved for summary judgment. A class has not been certified. Plaintiff has not previously dismissed an action based on or including the same claims as presented in this instant action.

Furthermore, there is a substantially similar action pending against the same Defendants in the United States Court for the Southern District of New York styled as *Nieves v. Performance Sports Group, Ltd. et al*, Docket No. 1:16-cv-

1 03591 (S.D.N.Y.) (the “Nieves Action”), asserting claims under Sections 10(b)
2 and 20(a) of the Securities Exchange Act of 1934 and Rule 10b-5 promulgated
3 thereunder, arising from the same conduct as the instant action. Similarly, both
4 the instant action and the Nieves Action are at the same procedural posture since
5 both are currently at the lead plaintiff stage. This dismissal is without prejudice.

6
7 Dated: May 17, 2016

Respectfully submitted,

8 **THE ROSEN LAW FIRM, P.A.**

9
10 /s/ Laurence Rosen, Esq.
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15 Counsel for Plaintiff
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CERTIFICATE OF SERVICE

I, Laurence M. Rosen, hereby declare under penalty of perjury as follows:
I am the managing attorney of The Rosen Law Firm, P.A., with offices at 355
South Grand Avenue, Suite 2450, Los Angeles, CA 90071. I am over the age of
eighteen.

On May 17, 2016, I electronically filed the following **NOTICE OF VOLUNTARY DISMISSAL PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(i)** with the Clerk of the Court using the CM/ECF system which sent notification of such filing to counsel of record.

Executed on May 17, 2016.

/s/ Laurence Rosen

Laurence M. Rosen